

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THE ESTATE OF BREANNA VASQUEZ,

Plaintiff,

v.

Case No. CIV 16-1286

**CITY OF SANTA FE POLICE DEPARTMENT,
The CITY OF SANTA FE, OFFICER MICHAEL DIMAS,
OFFICER LUKAS WAKEFIELD, JOHN DOE #1 and
JOHN DOE #2,**

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1441(a) and 1446(a), Defendants City of Santa Fe Police Department, the City of Santa Fe, Officer Michael Dimas, Officer Lukas Wakefield, John Doe #1 (now identified as Sergeant Nicola Butler) and John Doe #2 (now identified as Lieutenant Paul Joye) (collectively referred to as “City Defendants”), through their attorneys, Robles, Rael & Anaya, P.C. (Luis Robles and Christina Anaya), give Notice of Removal to this Court of the civil action filed in the First Judicial District Court for the State of New Mexico, County of Santa Fe, Cause No. D-101-CV-2016-02571 (“State Court Action”), by the Perrin Law Firm (Doug Perrin) and Clark, Jones & Pennington, LLC (Thomas Clark), on behalf of Plaintiff, and as grounds therefore state:

1. On November 3, 2016, Plaintiff filed a Complaint for Damages for Deprivation of Civil and Constitutional Rights, and Common Law Torts (*hereinafter* referred to as “Complaint”). An endorsed copy of the Complaint is attached hereto as **Exhibit A**.

2. On November 4, 2016, Plaintiff served Defendants City of Santa Fe and Santa Fe Police Department.

3. On November 7, 2016, Plaintiff served Defendants Officer Lukas Wakefield and Officer Michael Dimas.

4. On November 10, 2016, Plaintiff served Defendants John Doe #1 (now identified as Sergeant Nicola Butler) and John Doe #2 (now identified as Lieutenant Paul Joye).

5. This Notice of Removal is timely because it is filed within 30 days of service upon City Defendants.

6. Pursuant to 28 U.S.C. § 1446(d), copies of the Notice of Removal will be promptly given to all adverse parties and a copy of the Notice of Removal will be filed with the Clerk of the First Judicial District Court, County of Santa Fe, State of New Mexico.

7. The claims stated against City Defendants in this case are subject to the jurisdiction of this Court pursuant to 42 U.S.C. § 1983 as follows:

a. This Court has original jurisdiction because Plaintiff's Complaint is founded on a claim or right arising under the Constitution, laws or treaties of the United States.

b. An actual controversy exists because Plaintiff's Complaint alleges that County Defendants violated Plaintiff's federal constitutional rights.

8. This Court has federal question jurisdiction. Plaintiff's right to bring an action for the violation of his federal statutory rights was created by federal law, specifically 42 U.S.C. § 1983.

9. A federal question appears on the face of Plaintiff's Complaint. There is an actual controversy.

10. Pursuant to Rule 81.1(a) of the Local Rules of the United States District Court for the District of New Mexico, County Defendants will, within twenty-eight (28) days, file a Notice of Filing of State Court Record and certified copies of the pleadings filed in the First Judicial District Court for the State of New Mexico, County of Santa Fe, in Cause No. D-101-CV-2016-02571.

Respectfully submitted,

ROBLES, RAEL & ANAYA, P.C.

By: /s/ Luis Robles
Luis Robles
Christina Anaya
Attorneys for City Defendants
500 Marquette Ave., NW, Suite 700
Albuquerque, New Mexico 87102
(505) 242-2228
(505) 242-1106 (facsimile)
luis@roblerael.com
tina@roblesrael.com

I hereby certify that on this 23rd day of November, 2016, the foregoing was served via the CM/ECF system to the following:

Doug Perrin
The Perrin Law Firm
1322 Paseo de Peralta - Lower Level
Santa Fe, New Mexico 87501
(505) 989-8800
dougperrin@perrinlaw.org

Thomas M. Clark
Clark, Jones & Pennington, LLC
432 Galisteo St.
Santa Fe, New Mexico 87501
(505) 820-1825
tmclark@cjplawsf.com

/s/ Luis Robles
Luis Robles